



3711
#9 Response w/Supp. Declaration
3/4/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE: Reissue Application of Dillis V. Allen
and Scott R. Longueil
INVENTORS: Dillis V. Allen and Scott R. Longueil
PATENT NO: 5,938,541
ISSUED: August 17, 1999
SERIAL NO: 08/960,966
FILED: 10-30-97
FOR: GOLF CLUB HEAD WITH SHORTENED HOSEL AND FERRULE

REISSUE
SERIAL NO: 09/820,568
FILED: March 29, 2001
EXAMINER: S. Passaniti
ART UNIT: 3711

U.S. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

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RESPONSE TO OFFICE ACTION

TECHNOLOGY CENTER R3700

Honorable Sir:

In response to the Office Action dated January 15,
2003:

In Paragraph 1, it is stated: "The maintenance fees have not been paid. No action on the merits of this reissue application will be rendered while this application is based upon a lapsed patent.

This application is a reissue of U.S. Patent No. 5,938,541 issued on August 17, 1999. The 4th year maintenance fee is not due until August 17, 2003. Therefore, this patent has not lapsed.

In Paragraph 2, Claims 1-12 have been rejected under 35 USC Section 251 as lacking basis for reissue "because by statute a reissue application can only be granted for the unexpired portion of the term of the original patent."

This rejection is believed improper in view of the fact that the parent application, contrary to the Office Action, has not lapsed or expired.

In paragraph 3, a new reissue oath or declaration is requested and it is submitted herewith so that this objection is believed improper.

Claims 1 to 12 have been rejected as being based upon a defective reissue oath or declaration, and this has been corrected by the filing herewith of the supplemental oath.

In Paragraph 6 of the Office Action, it is correctly stated that this application is involved in litigation with the statement that "any documents and/or materials which would be material to the patentability of this reissue application are required to be made of record in reply to this action."

All of the relevant patents, as well as any patents discovered in *Vardon Golf Company v. Karsten Manufacturing Corporation*, Case No. 99 C 6934, U.S. District Court for the Northern District of Illinois, Eastern Division, and any other related lawsuits were filed in a box on May 13, 2002, under an "Information Disclosure Statement" acknowledged near the top of page 2 of the Office Action.